



2171
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D. Levendowski et al.

Serial No.: 10/040,937

Filed: December 28, 2001

Conf. No.: 3784

Group Art Unit: 2171

For: SLEEP APNEA RISK EVALUATION

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class [Priority] mail in an envelope addressed to U.S. Patent and Trademark Office, PO Box 2327, Arlington, VA 22202, on this date:

4/23/02
Date

Michelle Melendez
Michelle Melendez

RECEIVED

APR 30 2002

Technology Center 2100

US Patent and Trademark Office
PO Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith is a Preliminary Amendment for filing in connection with the above-identified application. Because this Preliminary Amendment is filed prior to receipt of a first office action on the merits in the above-referenced application, no fee is due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 50-1213, as stated below:

[X] The Commissioner is hereby authorized to charge any fees that may be due under 37 C.F.R. §§1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:

David A. Hall

David A. Hall
Registration No. 32,233

Attorney Docket No.: 38461-6098

Address all correspondence to:

David A. Hall

HELLER EHRMAN WHITE & McAULIFFE LLP

4350 La Jolla Village Drive, 7th Floor

San Diego, CA 92122-1246

Telephone: (858) 450-8400

Facsimile: (858) 587-5360

EMAIL: dhall@hewm.com



5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D. Levendowski et al.)
Serial No.: 10/040,937)
Filed: December 28, 2001)
Conf. No.: 3784)
Group Art Unit: 2171)
For: SLEEP APNEA RISK EVALUATION)

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class [Priority] mail in an envelope addressed to U.S. Patent and Trademark Office, PO Box 2327, Arlington, VA 22202, on this date:

4/23/02
Date

Michelle Melendez
Michelle Melendez

RECEIVED

APR 30 2002

Technology Center 2100

PRELIMINARY AMENDMENT

U.S. Patent and Trademark Office
PO Box 2327
Arlington, VA 22202

Sir:

Preliminary to the examination of the above-captioned application, please amend the application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

After the title at page 1, line 1, please insert the following paragraphs:

REFERENCE TO PRIORITY DOCUMENT

This application claims priority to U.S. Provisional Application Serial No. 60/259,397 entitled "System and Method for Evaluating Apnea Risk" by Westbrook *et al.*, filed December 29, 2000 and U.S. Provisional Application Serial No. 60/304,391 entitled "Sleep Apnea Risk Evaluation" by Levendowski *et al.*, filed July 9, 2001. The disclosures of these Provisional Patent Applications are hereby incorporated by reference.